

# **Notice of Allowability**

**Application No.**

09/936,280

**Examiner**

Shelley Self

**Applicant(s)**

GILES ET AL

**Art Unit**

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- ☒ This communication is responsive to 3/29/05.
- ☒ The allowed claim(s) is/are 16-19, 21-33, 35-54, 56 and 57.
- ☒ The drawings filed on 10 September 2001 are accepted by the Examiner.
- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    - ☐ Certified copies of the priority documents have been received.
    - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

- ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  - ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
- ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other



**DERRIS H. BANKS**  
**SUPERVISORY PATENT EXAMINER**  
BIOLOGY CENTER 3700

### DETAILED ACTION

#### *Response to Amendment*

The amendment filed on March 29, 2005 is sufficient to overcome the prior art reference.

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with the Attorney, Steve Saunders on April 25, 2005.

The application has been amended as follows:

- "*transport means*" has been replaced with **—means for transport—** in the following:  
clm. 16, line 5, 7, 8; clm. 17, line 2; clm. 22, lines 2, 3; clm. 24, line 2; clm. 26, lines 4, 6,  
7; clm. 30, lines 5, 7, 11; clm. 31, line 2; clm. 39, lines 2, 3; clm. 41, line 2; clm. 42, line

2

- "*chipping means*" has been replaced with **—means for chipping—** in the following:  
clm. 16, line 6; clm. 17, line 3; clm. 21, lines 2, 3; clm. 22, lines 3, 4; clm. 24, line 3; clm.  
26, line 5; clm. 30, lines 6, 8; clm. 31, line 3; clm. 39, lines 3-4; clm. 41, lines 3, 4

- "*conveyor means*" has been replaced with **—means for conveying—** in the following:

Art Unit: 3725

clm. 16, lines 8, 10; clm. 26, lines 7, 9-11; clm. 27, lines 2, 3; clm. 28, line 2; clm. 29, line 3; clm. 30, line 12, 13, clm. 35, lines 2, 3; clm. 36, lines 2, 3; clm. 37, line 2; clm. 38, line 3

***Allowable Subject Matter***

Claims 16-19, 21-33, 35-54, 56 and 57 allowed.

The following is an Examiner's statement of reasons for allowance: The prior art of record does not disclose a tree harvesting apparatus or method comprising a first and second opposed means for conveying each provided with laterally extending fingers in combination with the rest of the claimed limitations as set forth in claims 16, 26, 30, 45 and 51.

The prior art reference, Carlsson discloses a tree harvesting apparatus adapted for mounting on a vehicle to effect continuous tree harvesting, said apparatus comprising a sawing/cutting means for cutting a tree near ground level (15,17), a transport means (15) adjacent said saw for gripping a tree cut by the saw/cutting means and transporting the tree to and dropping (fig. 1) said cut tree in a chipping means (9) located at an end of the transport means (Examiner notes the tree is vertically guided from above, i.e. dropped into a chipper 9) distant the saw/cutting means for chipping the tree; wherein in use when said tree harvesting apparatus is mounted on the vehicle said vehicle driven along a row of trees can continuously cut, chip said trees. Carlsson does not disclose or fairly suggest first and second opposed means for conveying having laterally extending fingers. Accordingly Carlsson neither anticipates nor renders obvious the claimed invention.

Neither the prior art references of record, nor any combination thereof discloses the claimed invention as set forth in claims 16, 26, 30, 45 and 51. Accordingly the claims are allowable over the prior art of record.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (571) 272-4524. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIE or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSelf  
April 25, 2005

  
DERRIS H. BANKS